IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION NO : 14410 of 2005

Between:

Maruru Mahaboob Bee W/o Anwar Ali
R/o Kotta Veedi, Porumamilla Town and Mandal Kadapa District

..... PETITIONER

A N D

1 The Joint Collector, Kadapa Kadapa District.
2 The Revenue Divisional Officer, Rajampet Division, Kadapa District.
3 The Mandal Revenue Officer, Porumamilla Mandal, Kadapa District.
4 R. Ramachandrudu S/o Sreeramulu
R/o Kapu Street, Porumamilla Vilalge and Mandal Kadapa District

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of Writ of Mandmaus, declaring the action of the 2nd respondent in issuing proc. ref. B/306/2004, dt 31-05-2005 in cancelling the DKT patta of the petitioner and directing the 3rd respondnet to evict the petitioenr from her lands in over an extent of Acs. 2.00 in Sy. No. 532/2 of Rangasamudram Vilalge, Porumamilla Mandal, Kadapa District and the action of the respondnet NO.2 in not pssing orders on the stay petition in the appeal as arbitrary, illegal, unjust, in violation of principles of natural justice and violative of ARticle 300-A of the constitution of India and and consequently call for the records in Proc. Ref. No. B/306/2004, dt 31-05-2005 and set a side the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondents 1 to 3: GOVT.PLEADER FOR REVENUE

Counsel for the Respondent No.4: Mr.L.J.VEERA REDDY

The Court made the following at the admission stage **: (***order follows 2nd page***)**

O R D E R

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This writ petition is filed questioning the action of the second respondent in issuing Procdgs.Ref.B/306/2004, dated 31-05-2005 in canceling DKT patta of the petitioner and directing the third respondent to evict the petitioner from her lands in an extent of Acs:2-00 in sy.no.532/2 of Rangasamudram village of Porumamilla Revenue Mandal in Kadapa district and further the action of the second respondent in not passing orders on the stay petition in the appeal as arbitrary, illegal, unjust, in violation of the principles of natural justice and also violative of Article 300-A of the Constitution of India and consequently call for the records in Procdgs.Ref.No.B/306/2004, dated 31-5-2005 and set aside the same.

The facts of the case are that the third respondent in Ref.A/1/05, dated 12-2-2005 reported in connection with claims and counter-claims by many persons on assignment of land in sy.nos., 532/1 533, 532/2 in an extent of Acs:3-32, Ac:1-32 and Acs:2-00 situate at Rangasamudram village of Porumamilla Revenue Mandal in Kadapa district and requested to treat those persons as encroachers in view of

fabricated DKT patta and evict them and assign the land to the poor persons. The third respondent further stated that among the encroachers, one Mrs.Marur Mahaboob Bee, who is the daughter of P.Balaiah also staked her claim that an extent of Acs:2-00 of land was assigned to her in sy.no.532/2/ vide DKT No.31/A/1410, dated 03-8-200 and that the credibility of the said DKT patta is doubtful. To know the factual position, the first respondent while exercising powers under BSO 15, proposed to conduct detailed enquiry into the DKT land dispute in sy.nos.532/1 and 533 in an extent of Acs:3-32 and Acs:1-32 of Rangasamudram village and issued notice to Yerramsetty Lakshumaiah, s/o Venkataiah, Rangasamudram, Mrs.Allabaigari Hussain Bee, w/o. Budan Sab, Girinagar, Mr.Pothuganti Balaiah, Ex.MPP Porumamilla, Mrs.Marur Hussain Bee, w/o. Anwar Ali and Mr.Ramchandrudu, Porumamilla and marked a copy of the notice to the third respondent. During the course of enquiry, Mrs.Marur Mahboob Bee stated that herself and one Eri Mary were granted assignment of land in sy.no.532/2 in an extent of Acs:2-00 vide DKT.No.31/A/1410 and sy.no.532/1 in an extent of Acs:2-00 vide DKT.No.21/A/1410. But after perusing the connected records and also inspection of the lands, the second respondent found that the genuinity of assignment granted in sy.nos. 532/2 in an extent of Acs:2-00 in favour of Mrs.M.Mahboob Bee daughter of P.Balaiah and the assignment in sy.no.532/1 in an extent of Acs:2-00 in favour of Eri Mary is questionable, since no DKT files pertaining to the said survey numbers are forthcoming in the office of the third respondent. As seen from entries made in DKT register at S.Nos. 21-A and 31-A in favour of Mrs.Eri Mary and Mrs.Mahboob Bee, it has not been emanated from

competent office nor granted by competent authority. Since the land in Sy.Nos.532/1 in an extent of Ac:1-04 and sy.no.532/2 in an extent of Ac:1-02 encroached by Mr.P.Balaiah, the local enquiry reveals that 'D' forms that were floated by him (Smt.Mahboob Bee, one of the assignee is his daughter). Moreover, he has got patta land adjacent to the assigned lands. Further the assignments were said to be granted to Allabaigari Hussain bee, Y.Lakshumaiah, Maruru Mahabob Bee and Eri Mary in sy.nos. 532/2, 532/1, 533, 532/2 and 532/1 in an extent of Acs:2-00, 3-22, 1-32, 2-00 and 2-00. But the land is not under their possession and enjoyment and all the above assignees claiming right over the land by producing copies of "D" form and none of them has brought the land under cultivation, thereby violated the conditions of grant if at all to consider their version that their pattas are genuine. Taking advantage, Mr.Pothuganti Balaiah has encroached the land and floated fake "D" form pata. Related DKT files are not forthcoming in MRO's Office Porumamilla, Smt.Mahaboob Bee and Mrs. Ery Mary staking claims with the help of fabricated 'D' form pattas. To put a logical end, therefore, the second respondent set aside all the entries made in the village accounts that relates to the above assignments said to be granted/fabricated DKT pattas. In view of the above, the second respondent directed the third respondent to evict the encroachments made by Mr.Pothuganti Balaiah and ordered to assign the land to eligible poor and action may be taken to assign the land to Mr.R.Ramachandrudu for the extent of the land under his occupation in sy.nos.532/1 and 533.

Against the Proceedings of the second respondent in Ref.B/306/2004, dated 31-05-2005, the petitioner filed an appeal along with stay application. When the second

respondent failed to pass any order, the present writ petition is filed.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the main writ petition at the admission stage with a direction to the appellate authority to dispose of the appeal filed by the petitioner within eight weeks from the date of receipt of a copy of this order and pass appropriate order in accordance with law after affording reasonable opportunity to the petitioner to putforth her grievance and till such time, the respondents are directed not to evict the petitioner from the aforesaid assigned land.

With the above direction, the writ petition is disposed. No costs.

JULY 7th, 2005. ---------- I S L. ELIPE DHARMA RAO, J.

To

1 The Joint Collector, Kadapa Kadapa District.

2 The Revenue Divisional Officer, Rajampet Division, Kadapa District.
3 The Mandal Revenue Officer, Porumamilla Mandal, Kadapa District

4 TWO CCs to the Govt.Pleader for Revenue, High Court Buildings,

High Court of Andhra Pradesh, Hyderabad. (OUT).

5 Mrs.N.Shoba, Counsel for the Petitioner, High Court Buildings, High

Court of A.P.Hyderabad.

6 ONE CC to MR.VEERA REDDY

7 TWO CD copies.